

129 87-218-SPH PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

Non-conforming use for trailer park, tavern and restaurant pursuant to section 104.1 and parking lot.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney for Petitioner: _____
(Type or Print Name)
Address: 11124 Sheradale Drive, H 592-6078
City and State: Kingsville, Md. 21087
Signature: _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address: _____
City and State: _____
Attorney's Telephone No.: _____
Address: _____
Phone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of October, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 1st day of December, 1986, at 11:00 o'clock A.M.

Carl J. Jablon
Zoning Commissioner of Baltimore County.

Z.C.O. No. 1

(over)

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

38 N. Dundalk Ave.
Dundalk, Md. 21222 November 14, 1986

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Jablon in the matter of Zoning Hrgs. - Case # 87-218-SPH - P.O. #82494 - Req. #196974 - 79 lines @ \$31.60 was inserted in **The Dundalk Eagle** a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 14th day of November 1986; that is to say, the same was inserted in the issues of Nov. 13, 1986

Kimbel Publication, Inc.
per Publisher.

By *K.C. DeBelle*

IN RE: PETITION SPECIAL HEARING *
NW/S of Pulaski Highway *
between Lorraine Avenue and *
Batavia Farm Road *
(8200 Pulaski Highway) - *
15th Election District *
Case No. 87-218-SPH *
Peter J. Basilone, et ux, *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request approval of existing nonconforming uses on their property, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. Frank Lee, a registered land surveyor, and Thomas Hesse, the son of the original owner and then subsequent owner of the property, testified on their behalf. Other witnesses familiar with the property also appeared. There were no Protestants.

Testimony indicated that the subject property, zoned B.L., B.R., and D.R.5.5 and located on Pulaski Highway between Lorraine Avenue and Batavia Farm Road, consists of a one-story building containing a tavern-restaurant, with a trailer park to the rear. The Petitioners purchased the property from Mr. Hesse in 1946, which was improved with the trailer park and the building which later housed the tavern-restaurant. Mr. Hesse has lived in the area his entire life and remembers when his father began the trailer park in 1939. Mr. Basilone initiated the restaurant in 1946 and the tavern in 1947 in the existing building. At that time, those uses were permitted as of right under the 1945 zoning regulations.

Testimony is clear that the uses described and shown on Petitioners' Exhibit 1 have been continuous and uninterrupted. The site is exactly as it was when the Petitioners purchased it in 1946 and is no different from the

way Mr. Hesse remembers. The property has not changed. Photographs presented from the early 1940's confirm the unchanged status of the property.

The Petitioners seek relief under Section 104.1, Baltimore County Zoning Regulations (BCZR).

The uncontroverted testimony, which was amply supported, conclusively indicates that the property has been used continuously and without interruption as a trailer park since 1939 and a tavern-restaurant since 1946 and 1947, respectively. After due consideration of the testimony and evidence presented, it is clear that a nonconforming use exists.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the approval prayed for should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 3rd day of December, 1986, that a nonconforming use as a tavern-restaurant and a trailer park be approved and, as such, the Petition for Special Hearing is hereby GRANTED from and after the date of this Order.

LJ/srl

cc: Mr. Peter J. Basilone
People's Counsel

Phone: 687-4922

FRANK S. LEE

Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

September 16, 1986

No. 8200 Pulaski Highway
15th District Baltimore County, Maryland

Beginning for the same at the corner formed by the intersection of the northwest side of Pulaski Highway with the northeast side of Lorraine Avenue, thence running and binding on the northwest side of Pulaski Highway North 58 degrees 54 minutes East 150.39 feet to the southwest side of Batavia Farm Road, thence running and binding on the southwest side of Batavia Farm Road North 38 degrees 40 minutes West 185.53 feet, thence running for a line of division South 63 degrees 11 minutes West 145.16 feet to the northeast side of Lorraine Avenue, thence running and binding on the northeast side of Lorraine Avenue South 37 degrees 30 minutes East 195.96 feet to the place of beginning.

Containing 1.14 acres of land more or less.

Being known and designated as lots 1,2,3,11,12,13 & 14 on the plat of R.D. Hesse, said plat being recorded among the land records of Baltimore County in Plat Book 12 folio 41.



PETITION FOR SPECIAL HEARING

15th Election District

Case No. 87-218-SPH

LOCATION: Northwest Side of Pulaski Highway between Lorraine Avenue and Batavia Farm Road (8200 Pulaski Highway)

DATE AND TIME: Monday, December 1, 1986, at 11:00 a.m.

PUBLIC HEARING: Room 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing to approve a nonconforming use for trailer park, tavern and restaurant, and parking lot

Being the property of Peter J. Basilone, et ux, as shown on plat filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL HEARING BEFORE THE ZONING COMMISSIONER
NW/S of Pulaski Hwy. between Lorraine Ave. & Batavia Farm Rd. OF BALTIMORE COUNTY
(8200 Pulaski Hwy.), 15th Dist.
PETER J. BASILONE, et ux, Case No. 87-218-SPH
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 12th day of November, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Peter J. Basilone, 11124 Sheradale Dr., Kingsville, MD 21087, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

November 26, 1986

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Mr. Peter J. Basilone
Mrs. Theresa K. Basilone
11124 Sheradale Drive
Kingsville, Maryland 21087

RE: PETITION FOR SPECIAL HEARING
NW/S of Pulaski Highway between Lorraine Ave. and Batavia Farm Rd. (8200 Pulaski Highway)
15th Election District
Peter J. Basilone, et ux - Petitioners
Case No. 87-218-SPH

Dear Mr. and Mrs. Basilone:

This is to advise you that \$101.35 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing.

BALTIMORE COUNTY, MARYLAND		No. 025733	
OFFICE OF FINANCE-REVENUE DIVISION		P-01-615-000	
MISCELLANEOUS CASH RECEIPT			
DATE	12/3/86	ACCOUNT	
3 SIGNS & POSTS		AMOUNT \$ 101.35	
RETURNED		Mr. Peter J. Basilone, 11124 Sheradale Drive, Kingsville, Md. 21087	
RECEIVED FROM		ADVERTISING & POSTING COSTS RE CASE #87-218-SPH	
BY		B. 0115*****10135:0 2048F	
VALIDATION OR SIGNATURE OF CASHIER			

ORDER RECEIVED FOR FILING
Date December 3, 1986
By *John P. Langley*

[illegible]

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 25, 1986

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

c6a

Chairman

MEMBERS

Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

Mr. Peter J. Basilone
11124 Sherdale Drive
Kingsville, Maryland 21087

RE: Item No. 124 - Case No. 87-218-SPH
Petitioner: Peter J. Basilone, et ux
Petition for Special Hearing

Dear Mr. Basilone:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.


Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kkb

Enclosures

cc: Frank S. Lee
1277 Neighbors Avenue
Baltimore, Maryland 21237

 BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

NOVEMBER 5, 1986

Re: Zoning Advisory Meeting of SEPTEMBER 30, 1986
Item # 124
Property Owner: PETER J. BASILONE, et al
Location: LW/S POLSKI HIGHWAY BETW.
LORRAINE AVE. & BATAVIA FARM RD'S

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

(X) There are no site planning factors requiring comment.

() A County Review Group Meeting is required.

() A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.

() This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.

() A record plat will be required and must be recorded prior to issuance of a building permit.

() The access is not satisfactory.

() The circulation on this site is not satisfactory.

() The parking arrangement is not satisfactory.

() Parking calculations must be shown on the plan.

() This property contains soils which are defined as wetlands, and development on these soils is prohibited.

() Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.

() Development of this site may constitute a potential conflict with the Baltimore County Master Plan.

() The amended Development Plan was approved by the Planning Board on _____.

() Landscaping: Must comply with Baltimore County Landscape Manual.

() The property is located in a deficient service area as defined by 811 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.

() The property is located in a traffic area controlled by a "D" level intersection as defined by 811 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.

() Additional comments: _____

cc: James Hoswell

David Fields, Acting Chief
Current Planning and Development

Mr. Peter J. Basilone
Mrs. Theresa K. Basilone
11124 Sheradale Drive
Kingsville, Maryland 21087

October 31, 1986

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING
NW/S of Pulaski Highway between Lorraine
Ave. and Batavia Farm Rd. (8200 Pulaski Highway)
15th Election District
Peter J. Basilone, et ux - Petitioners
Case No. 87-218-SPH

TIME: 11:00 a.m.

DATE: Monday, December 1, 1986

PLACE: Room 201, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Baltimore County, Maryland
Office of Finance - Revenue Division
Miscellaneous Cash Receipt

No. 025985

Commissioner
of the County

DATE 9/19/86 ACCOUNT 01-615-000

AMOUNT \$ 100.00

RECEIVED FROM Peter J. Basilone

Sph. # 124

B 125 *****1000Csa 3228F

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO...Zoning Commissioner..... Date: November 7, 1986

Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning...


SUBJECT: Zoning Petitions No. 87-216-SpH and 87-218-SpH

In view of the subject of these petitions, this office offers
no comment.

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:JGH:slb

CPS-008

 **Maryland Department of Transportation**
State Highway Administration

William K. Hellmann
Secretary
Hal Kassoff
Administrator

October 6, 1986


Mr. A. Jablon
Zoning Commissioner
County Office Building
Towson, Md. 21204

Re: ZAC Meeting of 9-30-86
ITEM: #124
Property Owner: Peter J. Basilone, et ux
Location: NW/S Pulaski Highway
Route 40-E, between Lorraine Avenue and Batavia Farm Roads
Existing Zoning: B.L.-C.S.-1 and D.R. 5.5
Proposed Zoning: Special hearing for a non-conforming use for trailer park, tavern and restaurant and parking lot.
Acre: 1.14 Acres
District: 15th Election District

Att: Mr. James Dyer

Dear Mr. Jablon:

On review of the submittal of 8-13-86 and field inspection, the State Highway Administration finds the existing access to Pulaski Highway (Route 40-E) generally acceptable for non-conforming use.


Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

CL:GW:maw
cc: Mr. J. Ogile

By: George Wittman

RECEIVED
OCT 14 1986
ZONING OFFICE

My telephone number is (301) 659-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Md. 21203 - 0717

 BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

October 23, 1986


Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 124 -ZAC- Meeting of September 30, 1986
Property Owner: Peter J. Baslone, et ux
Location: NW/S Pulaski Highway between
Lorraine Avenue and Batavia Farm
Roads
Existing Zoning: B.L.-C.S.-1 and D.R. 5.5
Proposed Zoning: Special Hearing for a non-conforming
use for trailer park, tavern and restau-
rant and parking lot.
Area: 1.14 Acres
District: 15th Election District

Dear Mr. Jablon:

We have reviewed the site plan for this site and have the following comments:

1. All access points should meet county and state standards.
2. Only one point of access should be allowed on Rt. 40.
3. Adequate parking should be provided for the use of the site.

Very truly yours,

Michael S. Flahigan
Traffic Engineer Associate II

MSF:lt



TED ZALESKI, JR.
DIRECTOR

Comments on Item # 124 Zoning Advisory Committee Meeting are as follows:

Property Owner: Peter J. Basilone, et ux
Location: NW/S Pulaski Highway between Lorraine Avenue and Batavia Farm Roads
Districts: 15th.

APPLICABLE ITEMS ARE CIRCLED:

A. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1980) and other applicable Codes and Standards.

B. A building and other miscellaneous permits shall be required before the start of any construction.

C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.

D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

2. All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table L01, Section 1107, Section 1106.2 and Table 1102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.

G. The requested variance appears to conflict with Section(s) _____, _____, of the Baltimore County Building Code.

N. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____, or to Mixed Use _____. See Section 312 of the Building Code.

7. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

(J) Comments: Section 103.1 as amended by Council Bill #17-85 appears applicable to the restaurant. Section 613.0 is applicable to mobile home units.

K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

14/22/85



PAUL H. REINCKE
CHIEF

September 29, 1986

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

RE: Property Owner: Peter J. Basilone, et ux

Location: NW/S Pulaski Hwy. between Lorraine Avenue and Batavia Farm Roads

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____

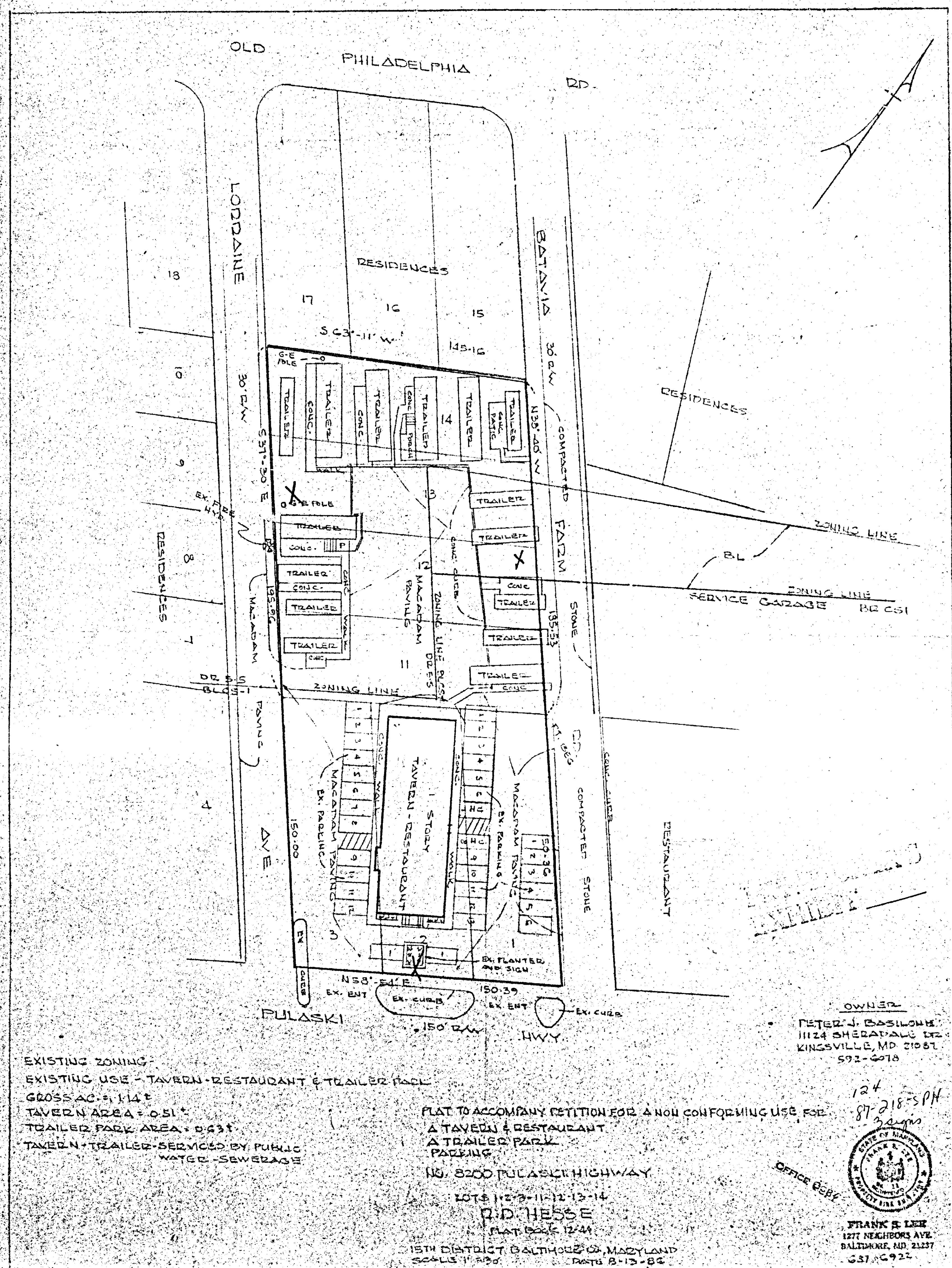
EXCEEDS the maximum allowed by the Fire Department.

- (4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. NFPA 501A - Installation of Mobile Homes, 1975 Edition shall apply.
- (5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- (6. Site plans are approved, as drawn.
- (7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Capt. Joseph J. Kelly 9-24-86
Planning Group
Special Inspection Division

Noted and
Approved: John F. C. Nease
Fire Prevention Bureau

/mb



CERTIFICATE OF PUBLICATION

TOWSON, MD., November 13 19 86

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on

November 13 19 86

THE JEFFERSONIAN,

2. 1. 1. Christ

Publisher

2475

[illegible]